American Society of International Law

Statement of ASIL President Gregory Shaffer Regarding the Humanitarian Crisis in Gaza

March 30, 2024

On Oct. 13, 2023, after the attack in Southern Israel, I issued a Presidential Statement regarding the intentional mass killing of civilians and taking of hostages and stressing that all parties to the armed conflict—Israeli armed forces and Hamas alike must comply with international humanitarian law, which prohibits both targeted as well as indiscriminate killing of civilians, and imposes other critical requirements aimed at protecting civilian populations.

Since that time, a humanitarian catastrophe in Gaza has deepened. Tens of thousands of Palestinians have been killed, a large percentage of whom are civilians—children, women, and men. International institutions have spoken to these developments, including the severe malnutrition, hunger, and starvation that are evident, and the risk of widespread famine that looms.

The International Court of Justice ordered additional preliminary measures on March 28, 2024 on account of the worsening catastrophic living conditions in the Gaza Strip, following its earlier order of January 26 to ensure compliance with the Genocide Convention and to enable the provision of urgently needed humanitarian assistance.

The United Nations Security Council demanded on March 25 an immediate ceasefire for the month of Ramadan leading to a lasting sustainable ceasefire, together with the immediate and unconditional release of all hostages, the humane treatment of all detained persons, and emphasizing the urgent need to expand and lift all barriers to the provision of humanitarian assistance at scale, given the "catastrophic humanitarian situation in the Gaza Strip."

All parties to this armed conflict (as all armed conflicts) must comply with their international legal obligations, including the orders of the ICJ and demands of the Security Council. Failure to provide and facilitate the provision of humanitarian assistance and the continued holding of hostages in violation of international humanitarian law must be condemned. Compliance with international humanitarian law is critical.

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